



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

**1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

January 6, 2015

Dave Warnack, District Ranger
901 Mechem Drive
Ruidoso, NM 88345

Mr. Warnack,

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Supplemental Draft Environmental Impact Statement (SDEIS) for the North Fork Eagle Creek Wells Special Use Authorization Project prepared by the U.S. Forest Service (USFS). The USFS proposes to authorize, under a new special use permit, the operation of four municipal supply water wells located on the Lincoln National Forest system lands in the North Fork Eagle Creek drainage.

EPA rates the SDEIS as "**LO**" i.e., EPA has "not identified any potential environmental impacts requiring substantial changes to the proposal, and the SDEIS adequately sets forth the environmental impacts of the alternatives." The EPA's Rating System Criteria can be found here: <http://www.epa.gov/oecaerth/nepa/comments/ratings.html>. EPA's review did identify areas of the SDEIS needing clarification, and we ask that those issues be addressed in the FEIS. Enclosed are detailed comments which identify our concerns.

EPA appreciates the opportunity to review the SDEIS. Please send our office one copy of the FEIS when it is electronically filed. This letter will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, I can be reached at 214-665-7560, or contact Keith Hayden of my staff at hayden.keith@epa.gov or 214-665-2133.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marie Stucky", is written over a circular red stamp or seal.

Marie Stucky
Chief, Office of Planning
and Coordination

Enclosures

**DETAILED COMMENTS ON THE
UNITED STATES FOREST SERVICE
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR THE NORTH FORK EAGLE CREEK WELLS
SPECIAL USE AUTHORIZATION**

Items needing clarification

Proposed action; page 8

Under the proposed action, the new permit would be issued for 20 years. The permit terms and conditions would be reviewed anywhere from yearly to once every 10 years. It is unclear what “reviewing the permit terms and conditions” entails. Does it mean the permit could be modified? Does it mean checking the permit terms and conditions against monitoring thresholds to see if adaptive management measures should be implemented?

Recommendation:

Please clarify what “checking the permit terms and conditions” means. Describe what actions could result from checking the terms and conditions. Describe any consequences that could result from checking the terms and conditions of the permits yearly versus every 10 years.

Adaptive management trigger #2; page 30

The SDEIS states “If groundwater pumping of North Fork wells results in a declining trend in the average water table depths over any 3-year period, the Village of Ruidoso would reduce diversions from the wells until the average water table depth is reestablished and the Forest Service determines that pumping may resume without creating further departures over a 3-year period”. There is not any specific information on the amount pumping would be reduced or the timeframe the Village of Ruidoso would have to re-establish the average water table depth threshold. Would the timeframe for compliance be non-negotiable, or would it be based on factors like available streamflow, or precipitation amounts?

Recommendation:

Include specific information regarding groundwater pumping rates if a 3-year declining trend equal to, or below, thresholds is realized. Also, clarify the amount of time the Village of Ruidoso would have to bring water table depths above the thresholds.